

## MINORITY COMPLAINT

It Is That the Majority Would Not Permit Inquiry.

(From Saturday's Advertiser)

Passing the responsibility of failure as alleged to investigate fully the charges of fraud in the recent general election up to the majority of sixteen members was the tenor of the report of the minority of six members of the Federal Grand Jury presented to Judge Dole yesterday morning. So far as the refusal of the District Attorney to call witnesses was concerned, the minority contented itself with reciting the facts of such refusal. There is a sarcastic reference to the ante-election profession of the Territorial administration that it desired a fair and legal election, followed by the expression of a conviction that the efforts to secure that end were but indifferent. By implication alleging that the election was not fairly conducted the minority concludes with a recommendation to Congress in behalf of amending the election laws of the Territory so that no loophole for irregularities shall be left. Following is the minority report:

Honorable Sanford B. Dole, Judge of United States District Court, Territory of Hawaii:

Sir—A minority of the Grand Jury impeached and sworn and charged by you on the 12th day of December, A. D. 1934, begs to submit herewith the following report:

We dissent from the report of the majority of this Grand Jury as we believe sufficient evidence has been produced for this Grand Jury, which, if properly brought out would have secured a conviction for offenses against the election laws of the United States, viz: Sections 5408, 5409 and 5508 of the Revised Statutes, if taken before a trial jury.

Other alleged violations of Federal laws besides those testified to by the witnesses present came to the knowledge of this jury in the course of their deliberations, and were not investigated.

There was an absolute refusal on the part of the majority of this Grand Jury to further pursue investigations which in the opinion of the minority would undoubtedly expose numerous other frauds and violations of the law punishable in this jurisdiction.

The names of twenty-seven witnesses besides those summoned were presented to the jury and evidence was given as to what they would testify to, showing conclusively the corrupt and fraudulent methods adopted with respect to the late election throughout the entire Territory.

When Colonel C. P. Iaukea, the de-facto delegate to Congress, applied to the United States District Attorney with a list of witnesses he replied as follows:

Mr. Breckons to Mr. Iaukea—"Up to the present time nobody has laid before me, as District Attorney, any complaint of any violation of the Federal laws relative to the recent election. You now hand me a list headed 'Witnesses who should be subpoenaed before a Federal Grand Jury.' I decline to receive any dictation as to what persons shall be brought before the Grand Jury to prove violations of Federal laws. In the matter of subpoenaing witnesses I shall be guided by my own judgment or the directions of the Grand Jury itself. In declining to subpoena witnesses in accordance with your dictation I do so for the reason that I know nothing whatever of what such witnesses might testify to. Any further communication with me on the subject must be had in writing."

Mr. Iaukea replied to Mr. Breckons: "It is not in any way suggestive. I hand you this list, so that you can use it at your own discretion."

Mr. Breckons replied: "I reply that I shall lay before the Grand Jury what has happened relative to subpoenaing witnesses. That is all I have to say."

It is a matter of common knowledge that the voting this last election was substantially not secret. Probably a majority of the total number of ballots cast throughout the Territory were numbered, so that the identity of the voter of each ballot so cast could be conclusively established. This was due in the main to the neglect, and in some cases, the refusal of inspectors to remove from the ballot its number before placing it in the ballot box.

It is claimed that this failure to insure the secrecy of the ballot specifically provided for by law, on the part of those to whom the enforcement of the law was entrusted, came about not through design but through the stupidity and ignorance of the inspectors. It is unfortunate in this connection that the failure to carry out the law resulted to the advantage of those to whom the enforcement of this law was entrusted, to wit, the party in power.

It would be extremely unfortunate for the good name of this Territory if the failure to procure the secrecy of the ballot should have come about through the hands of the very administration which was seeking to enforce a straight party vote from every one receiving employment from the Government.

We believe that further investigation should be had not only on the vital point, whether the neglect to secure the secrecy of the ballot was through design or inadvertence, but also to determine fully what steps should be taken to prevent a repetition of this evil. But the majority of the Grand Jury have declined to make any further investigation, and the minority are helpless to enforce it. Perhaps further investigation may be futile, but we believe it should be made. There is no evidence before us yet upon which we could determine

whether the wholesale deprivation of the voters of this Territory, of their lawful right to a secret vote, was through design or inadvertence, nor with our investigations justify, as to the cure, but in any event we believe, the Territorial Government is responsible for non-enforcement of the law. How deep this neglect has been, and whether criminal or not, as to any particular official or officials, we are not prepared to say, but we believe the Territorial Government had it in its power by vigilance and proper precautions to have secured a far better enforcement of the election laws than was secured to the voter this past election; and we recommend to the consideration of Congress, which has the control of our election laws in its hands, that the defects in the law which can permit such wholesale disregard of vital features of our election laws, be remedied so as to make it impossible that there should be a repetition of the unsatisfactory methods in vogue this last election.

All of which is respectfully submitted.

(Signed) S. M. Damon, John Effinger, H. McCriston, H. A. Wilder, J. S. Spitzer, J. W. McDonald.

THE COURT'S DISMISSAL.

Judge Dole thanked the grand jurors, on behalf of the public, for their faithful and cheerful attention to the matters submitted to them. The subject matter handled by them had been one of peculiar delicacy and the fact that they had performed their duties with harmony and without apparent friction was something to be appreciated, as was also the evident frankness of the reports of both majority and minority. It was absolutely necessary, Judge Dole proceeded, that the election laws be kept inviolate. It would be hopeless to attempt to obtain the will of the people if the ballot were not kept free and secret, and the rights of the people would be prejudiced in a most essential feature if that were not done.

SHE WAS DRIVEN INSANE

Mabel Scott Hurt, by her attorney, Henry E. Highton, has filed an answer to the libel for divorce brought by her husband, Albin M. Hurt. She denies in detail his allegations of cruelty on her part. Ever since her departure from Honolulu under the compulsion of the libellant, on or about September 30, 1932, and for a long time previously, she declares, the libellant has been employed as yardmaster of the Honolulu depot of the O. R. & L. Co. at a salary of \$150 a month, while ever since the date mentioned she and their son, George Melton Hurt, now nearly four years of age, have been destitute and living on the charity of her relatives at Pomona, Cal., who are all themselves poor.

Mrs. Hurt appends to her answer, with references to it therein, the copy of an agreement made between her husband and herself at Pomona on January 23, 1933, whereby they agreed to condone all previous grounds of mutual recrimination and thereafter live in a state of separation. Hurt engaged to pay his wife \$25 a month thereafter as a permanent allowance. She declares that he has only paid her \$10 since that agreement was executed and claims that he now owes her \$565 thereunder.

Mrs. Hurt says the reason her husband refuses to pay the maintenance agreed upon is a claim he makes that part of the consideration of the agreement was that she, within one year, would institute divorce proceedings against him. According to her information such a bargain would have been illegal if made and she denies that it ever was made. So much did she suffer from his violation of the contract that she was confined in an asylum for the insane, from which she has but recently been released.

Praying that the libel in divorce may be dismissed Mrs. Hurt asks that, failing such relief, the proceedings may be stayed until her husband has paid the \$565 due under the Pomona agreement.

INSURANCE COMPANY LOSES.

After a trial without a jury yesterday, Judge De Bolt decided the suit of Lee Ahlo vs. Royal Insurance Co. in favor of the plaintiff for \$2000 and interest at 6 per cent per annum from March 14, 1930, Castle & Withington for plaintiff, Robertson & Wilder for defendant.

NEW BISHOP ESTATE TRUSTEE.

E. Faxon Bishop's election as a trustee of the estate of Bernice Pauahi Bishop, in place of W. F. Allen, who resigned on Nov. 25 last, was yesterday confirmed by Judge Robinson, to take effect upon the new trustee's filing a joint and several bond of himself and his co-trustees in the sum of one hundred thousand dollars.

PROBATE MATTERS.

Judge Robinson has appointed S. Ochiai as guardian of the estate of Mine Sakuragawa, a minor, living with her mother in Tokyo, Japan, under \$700 bond. The estate consists of the distributive share of the minor in her late father's estate, the amount being \$672.90, which is in the hands of Henry Smith, clerk of the Judiciary department. Ochiai is cousin of his ward.

J. H. Craig, executor of the estate of Constant Sterling, has filed his bond in \$2500, with F. J. Lowrey and E. O. White as sureties.

COURT NOTES.

Notice of motion to set cause for trial has been given by plaintiff in the ejectment suit of J. O. Carter vs. Koolau Kaikainahale et al., which will be presented before Judge Robinson on Monday. Kinney, McInahan & Cooper for plaintiff; C. W. Ashford, H. E. Highton and J. J. Dunne for defendants.

It was stipulated on Thursday that the suit of James E. Fullerton vs. Kohala and Hilo Railway, assumption on promissory note, might be heard in vacation and set for trial yesterday or as soon thereafter as the judge might order. An insurance case on most of the day prevented the hearing yesterday.

Judgment for defendant in the ejectment case of Blanche Lewis vs. Iola K. Kahinu, with costs against plaintiff, was rendered yesterday by Judge De Bolt pursuant to oral decision made November 22. Defendant's bill of costs was cut down from \$28 to \$12.

## IT WILL BE POSTMASTER PRATT IN A FEW DAYS

(Special to the Advertiser.)

WASHINGTON, NOV. 16.—GOVERNOR CARTER HAS RECOMMENDED J. G. PRATT FOR POSTMASTER OF HONOLULU. IT IS EXPECTED THAT THE PRESIDENT WILL SEND MR. PRATT'S NAME TO THE SENATE ON THE 20TH.



J. G. PRATT, WHO WILL PROBABLY BE THE NEXT POSTMASTER OF HONOLULU.

## JUDGE LITTLE OF HILO IS THE MAN NOW AT PANAMA

port of this, he said that the whole treaty was in violation of international law and therefore void. Panama was not a sovereign and independent power and possessed no treaty-making power.

He said: "The treaty was signed by this infant republic, while in the political convulsions of birth, with no political mind. An Eastern paper prints a picture of Judge Gilbert F. Little in correspondence from Panama, wherein the Judge's part in defending the lottery company is detailed. Following is an extract:

Judge Little's argument proved to be a comprehensive statement of the claims of Panama. He contended that the president misunderstandingly interprets the treaty in especial relation to the score of sovereign power over the zone.

"He forgets," said Judge Little, "that outside of what is necessary and convenient for the construction of the canal, the treaty is silent and he is absolutely powerless to read into the treaty lines that are not there and read out any of its plain provisions."

The Judge then made the astonishing declaration that the treaty itself was not entered into regularly and was, in fact, not a binding force upon either the United States or Panama. In supposing to have fixed principles and too weak to defend them. I might here remark that it is not usual for the midwife to take the baby in liquidation for services rendered. The president did this, however, in this case, and the United States took advantage of its weakness and inability to dictate terms which should surely have been demanded by any formidable government. The United States was practically making a treaty with itself.

"There is no record that this infant republic had the first vestige of authority from its people. Yet some of the officials of the United States claim that this poor little infant republic should be held with its hands tied and its sustenance taken from it because they have the power to do it."

"This is a question of American honor. And the people of the United States have too proud a sense of justice, are too conscious of their own strength, to permit any false construction to be put upon this treaty by the president in order that he may wring from so weak and friendly a nation rights, privileges, revenues or concessions which it could justly resent, under the rules of international law, if it had the physical power to do so."

This speech caused a great sensation throughout the land and it was significant that, immediately after its delivery, Gov. Davis, evidently under orders from Washington, began to relent and the regular weekly imposition of some new order further limiting the sovereignty of Panama ceased. Gambling and selling lottery tickets, however, is still barred in the zone district, and one can hear negro cab drivers excitedly talking about "interference with vested rights," though it is frequently doubtful if they know what that is all about further than that the zone rules somehow or other affect them.

Carlos Duque, son of the head of the lottery company, is the author of the statement that something that resembles graft is already in vogue in the zone. He said: "When the United States police began to arrest ticket sellers a certain police official in the American government's employ came to me, he said, in an official capacity. I told him that in that capacity I would not talk with him. I added that I would be glad to talk with him unofficially. We discussed the lottery case and then he began to tell me, with significant accent, how the canal employees were mistreated and how he needed money. I instantly ordered him out of my door and I have not heard from him or his 'official' business since."

## THE TRUTH ALWAYS.

"When you are in doubt tell the truth." It was an experienced old diplomat who said this to a beginner in the work. It may pass in some things, but not in business. Fraud and deception are often profitable so long as concealed; yet detection is certain sooner or later; then comes the smash-up and the punishment. The best and safest way is to tell the truth all the time. Thus you make friends that stick by you, and a reputation that is always worth twenty shillings to the pound everywhere your goods are offered for sale. We are able modestly to affirm, that it is on this basis that the world-wide popularity of WAMPOLE'S PREPARATION rests. The people have discovered that this medicine is exactly what it is said to be, and that it does what we have always declared it will do. Its nature also has been frankly made known. It is palatable as honey and contains all the nutritive and curative properties of Pure Cod Liver Oil, extracted by us from fresh cod livers, combined with the Compound Syrup of Hypophosphites and the Extracts of Malt and Wild Cherry. A combination of supreme excellence and medicinal merit. Nothing has been so successful in Anemia, Scrofula, Bronchitis, Influenza, Loss of Flesh and Wasting Diseases, Weakness and Low Nervous Tone, and all complaints caused by Impure Blood. Dr. Austin D. Irvine, of Canada, says: "I have used it in cases where cod liver oil was indicated but could not be taken by the patient, and the results following were very gratifying." It cannot deceive or disappoint you, is effective from the first dose and comes to the rescue of those who have received no benefit from any other treatment. It represents the dawn of progress. Sold by all chemists everywhere.

## WILLIAM BLAISDELL BURIED YESTERDAY

(From Monday's Advertiser)

The funeral of William Blaisdell took place yesterday afternoon from his late residence on Young street, near Pihloli, the interment being in Nuuanu cemetery. The services were attended by a large number of friends and relatives, and the floral tributes were quite numerous.

Rev. W. M. Kincaid of Central Union Church officiated both at the residence and at the grave. A choir composed of Mrs. Cornelia Damon, Miss Damon, Miss Yarrow, Rev. Mr. Logan and Mr. Hutchins sang effectively "Nearer, My God, to Thee," and "Rock of Ages."

The pall bearers were Messrs. C. W. Ashford, Carlo Long, Colonel C. J. McCarthy, Charles Wright, Charles Falk, Frank Kruger.

Mr. Blaisdell was seemingly in the best of health all day Saturday. He attended the football game in the afternoon, where, it is said, he may have overtaxed himself, for he was one of the most enthusiastic of spectators. After the game he went almost directly to the home of John Colburn, where he expected to dine. He sat down on a sofa and presently was stricken with paralysis. Dr. Wood was called and after some time the patient seemed better and he was sent to his home. He chatted with his family and some friends for a while, but finally fell asleep and never awoke.

## BROWN FOR COUNTY AND A BREAKWATER

Senator John T. Brown of Hilo, representing East Hawaii, arrived in the city yesterday on the Kinau. He will remain over until Tuesday and possibly until the following week.

"I have not fully mapped out my plans for the coming session," said the Senator yesterday, "but of course the Hilo people want County government. I shall also be prepared to support a memorial to our Delegate to Congress to urge an appropriation for a breakwater at Hilo."

## WANT NO OFFICIALS AT CONVENTIONS

"No person holding an office under the Territorial government shall be eligible to election as a delegate to a nominating convention or as a member of the Territorial Central Committee or the District committee or the executive committees thereunder," is the sense of a resolution adopted last night by the Elkhart Precinct Republican Club of the Fourth District.

The meeting which took this view of the political situation in the Republican party was presided over by Jack Lucas, the president, with C. L. Beal acting as secretary. About fifteen members of the club were present and the discussion created by the presentation of the resolution embodying the above dictum, was interesting. The meeting was called primarily to fill vacancies in the list of officers, and this resulted as follows:

F. B. Damon, vice president in place of J. K. Kamaoulli, removed to the ninth precinct; C. Hustace, member of the executive committee, in place of J. C. Quinn, now of the ninth precinct.

## FORESTRY ON MAUI

Campaign Against Insect Pests—Official Reports.

Following are portions of the valuable reports made at Wednesday's meeting of the Board of Agriculture and Forestry, one by Forester Hosmer on Maui forest reserves and another by Entomologist Craw on insect pests:

In accordance with your request, I submit herewith a report upon the forest questions contained in the proposition of the Haleakala Ranch Company, of Maui, made jointly to the Board and the Commissioner of Public Lands, under the date of November 2, 1934.

It is suggested by the Ranch Company that the forest of the government land known as the Ahupuaa of Makawao, otherwise and locally, as the Board of Education Land, containing 2021 acres, more or less, be set apart as a forest reserve. To this area they propose shall be added the forested portion of the Ahupuaa of Kailalau, containing 2752 acres, more or less, and also that part of the same land lying in the crater of Haleakala, in the watershed of the Keanae valley, 2966 acres more or less, this provided that the proposed exchange shall be consummated. Makawao is in the district of Hamakua, Kailalau in Kula, both on the island of Maui. Their relation to each other and to other adjacent lands is shown on the large scale map, submitted with the Ranch Company's report and now on file in this office.

The forest portion of Makawao was fenced by the Ranch Company about eight years ago and stock has, since then, been kept out of the forest.

The forested section of Kailalau has only recently been set apart, but a fence now extends along its western edge from the lower reserve to the steep fall above the Koolau Gap and the cattle have been got out of the woods. There is said to be a band of wild cattle in the main forest, some distance makai of this fence. No estimate can be given of its size.

Having personally visited the lands in question and gone over the ground in some detail, I am reasonably familiar with the conditions thereon. My personal knowledge of the district has been supplemented by conversations and conferences about the lands with the gentlemen most familiar with them, held during Governor Carter's recent visit to Maui, and at other times.

The area which it is proposed be set apart and added to, consists of a belt of forest, composed mainly of Ohia and Koa trees, which stretches up the northeastern slope of Haleakala, from an elevation of about 2500 feet, near Pihloli Hill to between 6000 and 7000 feet, near the Koolau Gap—the great break in the crater wall of Haleakala, at the head of Keanae valley. This area is some twelve miles long by about one and one-half miles wide.

The forest on this belt is the western edge of the great Koolau forest, which covers, in an unbroken stretch, all the eastern side of Haleakala.

As the principal value of a considerable portion of the Koolau District is on account of the water that can be developed therein for the irrigation of the great Waialuku Plain, it may be well in passing to consider the source of this water.

The Koolau District can probably boast as heavy precipitation as any area in the Territory.

The highest records are from the Keanae section, where, at Nahiku, 400 inches in a year have been recorded. On either side of this section the rainfall diminished, but more gradually to the North than to the South. In general the conditions governing precipitation must be similar to those obtaining in the Hilo District of Hawaii, as both sections are situated on the eastern side of high mountains, subject to trade winds. As yet not very much is definitely known as to the exact way in which rainfall is distributed over eastern slope of Haleakala.

For some reason the upper limit of the heavy precipitation seems to be higher on Haleakala than on Mauna Kea, a fact which makes it desirable that the forest be kept intact up to a higher elevation than in Hilo.

The present edge of the Koolau forest is not alone the arbitrary line where the trees now stop, and the grazing land begins. It is, as well, almost identical with the place where the area of heavy precipitation finally fades away into the drier climatic conditions of the Kula district. This transition is a fairly sharp one, for the region just beyond Olinia, which is only a little way outside of the forest, is as dry as part of Kula; a condition probably due to the influence of the mountain upon the wind currents, for the winds from either direction die out on reaching this locality.

Its present edge may therefore be considered as the natural boundary of the Koolau forest, as well as the limit of rainfall that can be depended upon. But this is not the only reason why the present forest should be maintained. The nature and configuration of the country is such that in the strip of forest under question, head all the important streams from the Hailko gulch to the Keanae valley; all the streams in fact that drain the heart of the Koolau district.

Nowhere in the Territory has there been such systematic development of the water as in this district. And with the completion of the new ditches large additional areas, now of only comparatively small value, will be made highly productive, with a consequent gain of just as much in the

(Continued on page 6.)